

REMARKS

Claims 1-37 are pending. Claims 1, 2, 4-21, 25, and 26 have been amended for clarity and new claims 27-37 have been added to provide an additional scope of protection for the invention.

Reconsideration of the application is respectfully requested for the following reasons.

In the Office Action, the Examiner rejected claims 4-12 under 35 U.S.C. §112, second paragraph, on grounds that the term "confidence" lacks antecedent basis. Claims 1, 2, and 4-12 have been amended to provide an antecedent basis for this term as well as to clarify other features of these claims. It is respectfully submitted that these amendments are sufficient to overcome the §112, second paragraph, rejection.

The Examiner rejected claims 1-4, 6, 10, 11, and 23-26 under 35 U.S.C. §102(b) for being anticipated by the Kim patent. This rejection is respectfully traversed for the following reasons.

To qualify as prior art under §102(b), the Kim patent must have been "patented . . . more than one year before the filing date" of the present application. MPEP § 2133 *et seq.* makes clear that the term "patented" when used in this statute refers to the issue date. The Kim patent issued on September 3, 2002, which is clearly after the July 2000 filing date of the present application. Because the Kim patent did not issue before the filing date of the present application, it is respectfully submitted that the Kim patent cannot qualify as a §102(b) prior art reference under against the presently pending claims.

The Kim patent also does not qualify as prior art under any other section of 35 U.S.C. §102. For example, 35 U.S.C. §102(e) defines when a patent qualifies as prior art when it is filed

before and issued after the filing of a pending application. To qualify as prior art under this section, the patent must be "by another;" that is, the patent and the pending application must have different inventive entities. See MPEP §2136.04. This requirement has not been satisfied in the present case, i.e., the Kim patent and the present application name the same person, Hyeon Jun Kim, as their sole inventor. Because the Kim patent and the present application do not have different inventive entities, the Kim patent cannot satisfy the "by another" requirement and thus cannot qualify as prior art under 35 U.S.C. §102(e).

For at least the foregoing reasons, Applicant respectfully submits that withdrawal of the §102(b) is proper.

The Examiner rejected dependent claims 5, 7, and 8 under 35 U.S.C. §103(a) based on a combination formed among the Kim, Graham, and Boyd patents. With the primary reference (Kim) removed, the rejection stands on the Boyd and Graham patents. The Boyd and Graham patents fail to teach or suggest the features in base claim 1. Absent these features, it is respectfully submitted that the Boyd and Graham patents cannot render claims 5, 7, and 8 obvious. Withdrawal of the §103(a) rejection against these claims is therefore respectfully requested.

The Examiner rejected claims 9 and 12-22 under 35 U.S.C. §103(a) for being obvious based on a combination formed among the Kim, Graham, Lienhart, and Wernicke patents. With the primary reference (Kim) removed, the rejection stands on the Graham, Lienhart, and Wernicke patents. The Graham, Lienhart, and Wernicke patents fail to teach or suggest the features of the claimed invention alleged to have been supplied by the Kim patent. Absent these

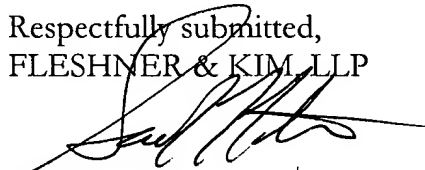
features, is it is respectfully submitted that the Graham, Lienhart, and Wernicke patents cannot render claims 9 and 12-22 obvious. Withdrawal of the §103(a) rejection against these claims is therefore respectfully requested.

Reconsideration and withdrawal of all the rejections and objections made by the Examiner is hereby respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Samuel W. Ntiros, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: July 7, 2003